

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5329 of 1995

with

SPECIAL CIVIL APPLICATION No 8847 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

JEYENDRA THAKRELAL SHAH

Versus

GOVERNMENT OF GUJARAT

Appearance: In both the special civil applications:

MR RK MISHRA for Petitioner

MR MUKESH A PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/07/98

ORAL JUDGEMENT

1. As in these special civil applications, common questions of law have arisen the same are being taken up for hearing together and are being disposed of by this common order.

2. The petitioners in both these cases were appointed as primary teachers in the school which were

receiving grant in aid from the State of Gujarat. They were possessing the qualifications of B.A., B.Ed. but they were treated to be "untrained" teachers for the reason that the B.Ed. qualification was taken to be not equivalent to the P.T.C. qualification. Consequence of this is that they were not given the pay which is prescribed for the "trained" primary teachers. This question does not detain me much as it is squarely covered by the decision of this Court that B.Ed. qualification should be taken to be equivalent to P.T.C. qualification. It is necessary to mention here that the special civil application No.8849/89 was ordered to be heard with the special civil applications No.1958/89, 1367/86 and 2643/87. The special civil application No.1958/89 was decided by this court on 3rd September, 1997. The special civil applications No.1367/86 and 2643/87 were decided by this Court on 10th November, 1997. Another petition being special civil application No.11052/93 was decided by this Court on 3rd September, 1997. In all these special civil applications, a view has been taken by this Court that the primary teachers who are possessing the qualification of B.Ed. should be treated to be "trained" teachers.

3. In view of the series of decisions of this Court these two petitions deserve to be allowed and the same are accordingly allowed and it is hereby declared that the petitioners should be considered to be "trained" primary teachers and they shall be entitled for all the consequential benefits which are legally permissible to them as a result of this decision. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-